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7 Attorneys for Plaintiff
8 LEXINGTON INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

12 LEXINGTON INSURANCE COMPANY, a
13 Delaware corporation,

14 Plaintiff,

15 | V.

16 AMERICAN GUARANTEE AND
17 LIABILITY INSURANCE COMPANY, a
New York corporation; ZURICH
18 AMERICAN INSURANCE COMPANY, a
New York corporation; and DOES 1-100,
inclusive.

20 Defendants.

Case No. 3:22-cv-04479-RFL (DMR)

Assigned to Hon. Rita F. Lin

**STIPULATION OF DISMISSAL OF
COMPLAINT**

Action Filed: August 2, 2022

In accordance with Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiff Lexington
Insurance Company ("Lexington") and Defendants American Guarantee and Liability Insurance
Company ("American Guarantee") and Zurich American Insurance Company ("Zurich American")
(collectively, the "Zurich") (Lexington and Zurich are collectively referred to as the "Parties")
hereby stipulate and agree as follows:

39 | //

1. Lexington's Complaint for Declaratory Relief, Equitable Subrogation, and Equitable
2 Indemnity (Dkt. No. 1) is dismissed with prejudice.

3. Each of the stipulating parties will bear its own attorneys' fees and costs to date.
4 The person filing this document hereby attests that all signatories indicated with an "/s/", and on
5 whose behalf this filing is submitted, concur in the document's content and have authorized this
6 filing.
7

8 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

9 DATED: August 28, 2024

HEROLD & SAGER

10
11 By: /s/Hilary R. Kuchinsky

12 ANDREW D. HEROLD, ESQ.
13 HILARY R. KUCHINSKY, ESQ.
14 KATHRYN E. SMITH, ESQ.
15 Attorneys for Plaintiff LEXINGTON
16 INSURANCE COMPANY

17 DATED: August 28, 2024

DUANE MORRIS

18 By: /s/Timothy J. Witczak

19 RICHARD D. HOFFMAN, ESQ.
20 TIMOTHY J. WITCZAK, ESQ.
21 Attorneys for Defendants AMERICAN
22 GUARANTEE AND LIABILITY INSURANCE
23 COMPANY and ZURICH AMERICAN
24 INSURANCE COMPANY

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 DATED: August 28, 2024

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28
The Honorable Rita F. Lin
UNITED STATES DISTRICT JUDGE